

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:16-cv-00695-GCM**

BARONIUS PRESS, LTD.,	)	<b>DEFENDANT SAINT BENEDICT PRESS, LLC'S FIRST MOTION FOR A PROTECTIVE ORDER</b>
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
SAINT BENEDICT PRESS LLC,	)	
	)	
Defendant.	)	

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Defendant Saint Benedict Press, LLC, pursuant to Rules 26, 34 and 37 of the Federal Rules of Civil Procedure, moves this Court for a protective order designating documents SBPP-00650 to SBPP-01379, which were previously produced without a designation as "Attorneys' Eyes Only." In support of this Motion, Defendant shows the Court as follows:

1. On November 24, 2017, Defendant produced documents SBPP-00650 to SBPP-01379, which make up an unpublished draft of the book *Fundamentals of Catholic Dogma* (the "Draft").
2. At the time Defendant produced the Draft to Plaintiff, Defendant mistakenly produced the Draft without the "Attorneys' Eyes Only" designation. The parties to this action agreed to a protective order in this case permitting such Attorneys' Eyes Only designation. (Doc. No. 26)
3. After producing the Draft without the "Attorneys' Eyes Only" designation, Defendant conferred with Plaintiff regarding its desire to mark the Draft as "Attorneys' Eyes Only. Plaintiff does not agree with its designation.

4. Defendant now asks this Court to designate SBPP-00650 to SBPP-01379 as “Attorneys’ Eyes Only” for the reasons set out in this Motion, in Defendant’s Response to Plaintiff’s Motion to Compel Defendant to Correct Designation of Non-Sensitive, Non-Trade Secret Documents from Attorneys’ Eyes Only to Confidential and Memorandum in Support of Defendant’s First Motion for A Protective Order, and in the Affidavit of Conor Gallagher attached thereto as Exhibit 2.

5. Pursuant to Local Rule 7.1(B) Defendant has conferred with opposing counsel regarding this motion and opposing counsel does not consent to this motion.

6. This motion is made for good cause and not for purposes of undue delay.  
WHEREFORE, Defendant Saint Benedict Press, LLC respectfully requests that the Court designate SBPP-00650 to SBPP-01379 as “Attorneys’ Eyes Only.”

This the 25<sup>th</sup> day of September, 2018.

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## **CERTIFICATE OF SERVICE**

I hereby certify I electronically filed this document through the CM/ECF system, which will send a notice of electronic filing to:

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This the 25<sup>th</sup> day of September, 2018.

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